

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 5/5/2023

RAPHAEL JACKSON,

Petitioner,

22-CV-03357 (LGS)(SN)

-against-

ORDER

MICHAEL CAPRA,

Respondent.

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SARAH NETBURN, United States Magistrate Judge:

On August 12, 2022, the Court stayed this case so Petitioner could exhaust additional claims in state court by way of a CPL § 440.10 motion. ECF No. 16. On May 4, 2023, Respondent notified the Court that the Appellate Division, First Department denied Petitioner's application for leave to appeal the denial of his motion. ECF No. 19.

Accordingly, the stay is lifted and by June 5, 2023, Petitioner must either file an amended pleading adding his ineffective assistance of counsel claim or notify the Court that he no longer seeks to amend his petition.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: May 5, 2023
New York, New York